

AGENDA MEMO

CITY COUNCIL MEETING DATE: JUNE 20, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: VAC-20284 - APPLICANT: NEVADA POWER COMPANY -
OWNER: RMH TRUST**

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (5-0 vote) recommends APPROVAL, subject to:

1. All existing public improvements, if any, adjacent to and in conflict with this Vacation Application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Relinquishment of Interest.
2. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress there from shall be provided if required.
3. All development shall be in conformance with code requirements and design standards of all City Departments.
4. The Order of Relinquishment of Interest shall not be recorded until all of the conditions of approval have been met provided, however, that conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way or easement being vacated must be retained.
5. If the Order of Relinquishment of Interest is not recorded within one (1) year after approval by the City of Las Vegas or an Extension of Time is not granted by the Planning Director, then approval will terminate and a new petition must be submitted.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a petition to vacate a patent reservation generally located north of the Holmby Avenue alignment commencing at the centerline of the Holmby Avenue and Belcastro Street alignments. The applicant requests this vacation as the patent reservations are no longer needed for utility access, and the vacation is necessary in order to construct the perimeter walls for a proposed Electric Substation. The proposed substation is to be reviewed concurrently as Site Development Plan Review (SDR-20282), with a companion Variance (VAR-21724) to allow a 15-foot high perimeter screen wall where eight feet is the maximum height allowed. As the proposed substation does not meet Title 19.12 landscape and wall height requirements, staff recommends denial of both applications.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
02/23/89	The Board of Zoning Adjustment approved a Variance (V-0163-88) to allow an office and storage addition to an existing restaurant with 98 spaces where the use requires 209 spaces.
1/26/98	The City Council approved a request to amend the General Plan (GPA-0065-97) on property located at 7185 W. Charleston Boulevard from ML (Medium-Low Density Residential) to SC (Service Commercial). The Planning Commission recommended approval of the General Plan Amendment on 12/18/97.
1/26/98	The City Council approved a request for a Rezoning (Z-0121-97) on property located at 7185 W. Charleston Boulevard from U (Undeveloped) Zone [ML (Medium-Low Density Residential) General Plan Designation] and C-1 (Limited Commercial) Zone [SC (Service Commercial) General Plan Designation] to C-1 (Limited Commercial) Zone. The Planning Commission recommended approval of the proposed Rezoning on 12/18/97.
11/07/02	The Planning Commission recommended approval of a Site Development Plan Review (SDR-1014) This application is a request for a Site Development Plan Review and a reduction of the on-site perimeter landscaping requirements for a proposed restaurant on a 4.9 acre parcel at 7185 West Charleston Boulevard that includes the subject site. Staff recommended approval.

11/30/06	A Parcel Map (PMP-17750) was administratively denied by the Planning and Development Department, and will be reconsidered once the specified conditions are addressed.
04/26/07	A Site Development Plan Review (SDR-20482) for an Electric Substation will be considered concurrently with this application.
05/24/07	The Planning Commission recommended approval of companion items VAR-21632, VAR-21724 and SDR-20282 concurrently with this application. The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #43/rl).

<i>Related Building Permits/Business Licenses</i>	
04/02/86	Application first filed for a Business License (R09-0025-6-030783) for Restaurant - Seating 45 or more for The Hush Puppy Restaurant adjacent to the proposed Substation.
01/24/91	Active Business License (F09-00018-3-095215) first issued for Food Wholesale & Delivery to Scotties Food adjacent to the proposed Substation.
02/06/90	Active Business License (L16-00207-4-000691) first issued for a Tavern to The Hush Puppy adjacent to the proposed Substation.
07/19/91	Active Business Licenses (G01-01455-4-000530) for Gaming Restricted and (C20-01455-7-000530) for Convention Hall Gaming Tax first issued to The Hush Puppy adjacent to the proposed Substation.
04/11/05	Building Permits issued for a drive thru and pole sign for the 2003 expansion of the Hush Puppy Restaurant to the north of the subject site.

<i>Pre-Application Meeting</i>	
11/07/06	A pre-application meeting was held to discuss the proposed electric substation. The discussion focused largely on on-site and off-site improvements, necessary street improvements and access agreements.
02/20/07	A follow-up meeting was held in order to further discuss progress on the required street improvements and site access issues.
<i>Neighborhood Meeting</i>	
11/16/06	A neighborhood meeting was held by the applicant; however no members of the public attended.

<i>Field Check</i>	
03/22/07	A field check was conducted in order to ascertain site conditions as they pertain to the proposed Electric Utility Substation and related Vacation.

Details of Application Request	
Site Area	
Gross Acres	4.98

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped, Proposed Electric Substation	SC (Service Commercial)	C-1 (Limited Commercial)
North	Restaurant, Tavern, Retail, Office	SC (Service Commercial)	C-1 (Limited Commercial)
South	Undeveloped	DR (Desert Rural Density Residential)	R-E (Residence Estates)
East	Apartments	M (Medium Density Residential)	C-1 (Limited Commercial)
West	Office	SC (Service Commercial)	R-PD19 (Residential Planned Development – 19 Units Per Acre)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	NA
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts		X	NA
Trails		X	NA
Rural Preservation Overlay District		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

ANALYSIS

- Planning and Development**

The applicant seeks to vacate a Patent Reservation consisting of three portions of Government Lot 10 lying within the Northeast ¼ of Section 3, Township 21 South, Range 60 East, M.D.M, in order to accommodate a proposed Electric Substation on the subject site. While the Patent Reservation is no longer necessary, staff recommends denial as it cannot support the related application for the Electric Substation because of the landscape waivers and wall height variance.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 6

ASSEMBLY DISTRICT 2

SENATE DISTRICT 8

NOTICES MAILED 5 by City Clerk

APPROVALS 1

PROTESTS 0